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May 8, 2007

The Honorable Mary Pat Thyng  
United States District Court  
For the District of Delaware  
844 N. King Street  
Room 6100, Lockbox 8  
Wilmington, DE 19801

Re: Chriss W. Street v. End of the Road Trust  
and American Trailer Industries, Inc., Case No. 07-65

Dear Judge Thyng:

I am writing to seek the Court's assistance in the referenced matter. This matter was originally filed in the Court of Chancery in January of 2007 as a petition for advancement of fees and expenses to which my client has a contractual right under agreements with the Defendants. On February 2, 2007 Defendants removed this matter to the United States District Court for the District of Delaware. (Dkt #1). Because Plaintiff believes that the removal was improper, Plaintiff moved to have the case remanded on February 14, 2007. (Dkt. #5). Briefing was completed on March 7, 2007 (Dkt #10), but Defendants thereafter moved for leave to file a sur-reply (Dkt # 11)which motion was granted by this Court on March 12, 2007 (Dkt #13). Thereafter, Plaintiff filed a motion for leave to file a response to Defendants' sur-reply on March 19, 2007 (Dkt # 16). A notice of completion of briefing was filed on April 3, 2007 (Dkt # 18). Both that motion and the motion for remand remain undecided.

Petitions for advancement are given expedited, summary treatment under Delaware law. *Homestore, Inc. v. Tafeen*, 888 A.2d 204, 213 (Del. Supr. 2005). Expedited treatment is given to advancement proceedings because "Advancement provides corporate officials with immediate interim relief from the personal out-of pocket financial burden of paying the significant ongoing expenses inevitably involved with investigations and legal proceedings...." *Id.* at 211. My Client filed this action to gain the relief referenced by the Supreme Court of Delaware in *Tafeen*. In the absence of that relief, my Client has been forced to take out a second mortgage on his house to pay his legal expenses. That money is now depleted

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and he has sold his house to obtain the funds necessary to pay for his defense – funds to which he has a contractual right which is being denied him by the legal maneuvering of Defendants.

I write in the hope that this Court can help break the legal log jam that is currently causing irreparable harm to my Client.

Counsel are available for consultation if the Court has any questions.

Respectfully,



Edmond D. Johnson

EDJ/kw

cc: Clerk of the Court  
David L. Finger, Esquire  
Robert T. Kugler, Esquire  
Ashley B. Stitzer, Esquire